



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

MARCH 4, 2019

9:30

Calendar No. 19-016:

**3550 E. 104 St./Waste
Collection Ticket**

Ward 6

Blaine A. Griffin

Sheniece Fountaine, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the hearing examiner in Parking Violations Bureau on January 16, 2019 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC40063620 issued November 8, 2018 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances (Filed January 24, 2019)

9:30

Calendar No. 19-017:

2305 West 40 Street

Ward 3

Kerry McCormack

12 Notices

Near West Reinvestment LLC., owner, proposes to erect a 1 story front loaded garage with a second floor deck attached to an existing single family residence in a B1Two-Family Residential. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07 (a) which states that a driveway use to provide accessibility to accessory off-street parking spaces shall be arranged to minimize traffic congestion.
2. Section 355.04 (a) which states that the minimum lot area for a single family dwelling in a "B" area district is 4,800 square feet; the lot area is 1,292 square feet. This section also states that the minimum lot width required is 40 feet and the appellant is proposing 38'. This section also states that the maximum gross floor area shall not exceed 50 percent of lot size or in this case 646 square feet and 1,008 square feet are proposed.
3. Section 357.04(a) which states that the permitted minimum front yard setback is 5.1' and the appellant is proposing 3.4'.
4. Section 357.09(b)(2)(B) which states that the Required Interior Side Yard is 6.2' and the appellant is proposing 1.7' and 2'; both side yards combined shall not be less than 10' and 3.7' are proposed.
5. Section 357.08 which states that the depth of Required Rear Yard shall be not less than the height of the main building or in this case 24 feet and 8.5 inches; the appellant is proposing 4.7'.
6. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. The appellant is proposing 5' and 4' on Interior Side Yard of main building & garage addition.
7. Section 357.13(5)(c) which states that the Air conditioner condenser and garbage cans are not a permitted Required Rear Yard encroachments.
8. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed February 1, 2019)

9:30

Calendar No. 19-018: 3436 c Broadview Rd.

Ward 13

Kevin J. Kelley

10 Notices

Aqua Santi Builders, owner, proposes to erect a 2 story rear bedroom addition attached to an existing single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that the Required Interior Side Yard is 5.85 feet and the appellant is proposing 1 foot.
2. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. Distance to main building on the side lot is 4 feet 8 inches. (Filed February 4, 2019)

POSTPONED FROM JANUARY 22, 2019

9:30

Calendar No. 18-237: 2121 W. 6 Street

Ward 3

Kerry McCormack

15 Notices

Cleveland Lofts LLC., owner, proposes to erect a 4 story single family residence with an attached garage on a 4,515 square foot lot in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum gross floor area in a "B" area district shall not exceed ½ the lot area, or in this case 2,257 square feet and the appellant is proposing 3,606 square feet. The minimum lot area for a single family dwelling in a "B" area district is 4,800 square feet and the proposed lot area is approximately 4,515 square feet.
2. Section 353.01(b) which states that the maximum permitted building height is 35'-0" and the proposed building height is 39'-6".
3. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed October 18, 2018-No Testimony) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION; BLOCK CLUB MEETING WAS CANCELED DUE TO WEATHER. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME FOR BLOCK CLUB REVIEW.*

POSTPONED FROM JANUARY 22, 2019

9:30

Calendar No. 18-262: 2077 E. 4 Street

Ward 3

Kerry McCormack

29 Notices

Daniel F. Linder Co., LPA, owner, proposes to display 9 video billboard window signs, each 65.5 square feet in an E6 General Retail Business District and a Cleveland Landmarks Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 350.16 which states that for signs in Landmark Districts, the Landmarks commissioner may authorize the Commissioner of Building and Housing to issue a permit which requires adherence to standards which are either less strict or more strict than the standards otherwise required by the standard zoning sign regulations. The Landmark Commission has formally denied the proposed signage.

2. Section 350.10(a) which states that Billboards, defined in Section 350.033(e)(1) as “a sign directing attention to a specific business, product, service, entertainment activity or other commercial activity sold, offered, or conducted elsewhere than upon the lot on which the sign is located” are not permitted in Cleveland Landmarks Districts.
3. Section 351.10(b) which states that Billboards are not permitted as window signs.
4. Section 350.10(e) which states that along roads, billboards that are less than 100 square feet in area must be spaced at least 750 square feet apart.
5. Section 350.10(g) which states that Billboards shall be set back at least 200 feet from General Retail Business District Lines and the proposed billboards are located in a General Retail Business District.
6. Section 350.10(j) which states that Billboards shall not include automatic changeable copy signs.
7. Section 350.20(a) which states that window signs for non-ground floor uses are limited to 20 square feet in total area. (Filed November 20, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO WORK WITH THE CITY ON SOME DETAILS.*

POSTPONED FROM FEBRUARY 11, 2019

9:30

Calendar No. 19-008:

2512 Church Ave.

Ward 3

Kerry McCormack

16 Notices

Schmaltz Church Street Holdings, owner, proposes to establish use as a restaurant in a D3 Local Retail Business District. The owner appeals for relief from the strict application of Section 349.04(f) which states that 16 parking spaces are required based on the number of employees and the area dedicated to patron use, but no parking is proposed. (Filed January 9, 2019 - No Testimony) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME FOR BLOCK CLUB REVIEW. FIRST POSTPONEMENT MADE DUE TO AN ERROR IN THE CASE DESCRIPTION*

POSTPONED FROM FEBRUARY 11, 2019

9:30

Calendar No. 19-013:

2815-2825 E. 130 Street

Ward 6

Blaine A. Griffin

13 Notices

Oak Bend Holdings, (aka Shaker Square Towers), owner, proposes to make alterations to a 110 unit apartment complex which will result in the elimination of 30 accessory off-street parking spaces in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section 349.02 of the Cleveland Codified Ordinances which states that in all use districts, existing off-street parking facilities shall not voluntarily be reduced below the requirements of the Zoning Code. One space per unit is required per Section 349.04. With the proposed elimination of 30 accessory off-street parking spaces the 110 unit apartment complex will have 41 parking spaces remaining. (Filed January 14, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE LANDMARKS COMMISSION TO ALLOW FOR TIME FOR DESIGN REVIEW TO TAKE PLACE.*